

**SETTLEMENT CONFERENCE STANDING ORDER
MAGISTRATE JUDGE NATHANAEL M. COUSINS**

SCHEDULING

To coordinate scheduling, please contact courtroom deputy Lili Harrell at Lili_Harrell@cand.uscourts.gov or 408.535.5343. Settlement conferences typically are held on Tuesdays and Thursdays at 9:30 a.m or 1:00 p.m.

A party seeking to continue a settlement conference must file a request in ECF as soon as possible after meeting and conferring with opposing counsel. The request must demonstrate a compelling reason for the continuance and state whether the opposing parties object to the continuance. Any party that objects to the continuance must file an opposition in ECF within two days of the filing date of the request for the continuance.

The parties must contact courtroom deputy Lili Harrell immediately if the case settles before the settlement conference takes place.

PERSONS REQUIRED TO ATTEND SETTLEMENT CONFERENCE

All parties and their counsel are required to attend the settlement conference in person, not by telephone. Non-natural persons must be represented by a person with unlimited authority to negotiate a settlement. An insured party must appear with a representative of the carrier with full authority to negotiate up to the limits of coverage. A person who must call another person not present at the conference before agreeing to a settlement does not have unlimited authority.

SETTLEMENT CONFERENCE STATEMENT

No later than seven days prior to the conference, each party must send a settlement conference statement to Judge Cousins' Chambers at 280 South First Street, 4th Floor, San Jose, California 95113. Additionally, each party must serve its statement on opposing counsel and send it via email in PDF format to ncpc@cand.uscourts.gov. The statement must not be filed in ECF.

The settlement conference statement must include:

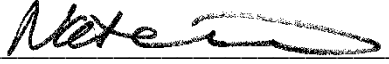
- (a) the identity of the attorney(s) and clients attending the settlement conference;
- (b) a brief statement of the facts of the case;
- (c) a brief statement of the claims and defenses raised, including statutory or other grounds upon which the claims are founded;
- (d) a candid evaluation of the parties' likelihood of prevailing on the claims and defenses;
- (e) a description of the major issues in dispute and any discrete issue that, if resolved, would facilitate the resolution of the case;
- (f) a summary of the proceedings to date;
- (g) a listing of all pending motions;
- (h) the relief sought;

- (i) the party's position on settlement, including present demands, offers, and a history of past settlement discussions.

Any party may submit an additional confidential statement to the Court, the contents of which will not be disclosed to any other party.

IT IS SO ORDERED.

November 20, 2014



Nathanael M. Cousins
U.S. Magistrate Judge